



MAY 20 2015

Dear Stakeholder:

Over the past five years, we have worked hard at MSHA to retool and improve mine safety and health. Since I arrived at the Agency, engagement with and outreach to the mining community has been central to my approach for improving stakeholder communications and participation. To encourage better industry compliance, MSHA has worked to provide better guidance and consistency in our enforcement to make mines safer for our nation's miners.

As a reflection of that progress, 2014 had the lowest number of coal fatalities ever recorded and the metal and nonmetal mining industry achieved historically low fatality and injury rates in 2011, 2012, and FY 2013. The recent increase in deaths at metal and nonmetal mines, however, has overshadowed some of those improvements. Since October 2013, 42 miners have been killed in accidents at metal and nonmetal mines. We all need to continue to redouble our efforts to reverse this troubling trend.

One of the key points we continually include in the notifications to the mining industry with updates on mining deaths and ways to prevent them is the need for mines to have safety and health programs in place.

Mine operators need to adopt and reexamine the safety and health management programs at their mines to better manage safety and health, eliminate hazards, and prevent injuries and illnesses. In fact, the need to refocus attention on safety and health programs was recently raised at one of MSHA's stakeholder meetings to address the increase in metal and nonmetal mining fatalities.

On September 9, 2010, in consideration of developing a proposed rule, MSHA published a notice—*Safety and Health Management Programs for Mines*, 75 Fed. Reg. 50,804 (Sept. 9, 2010)—announcing public meetings and a comment period to gather information on effective safety and health management programs. Interested stakeholders made presentations at the public meetings and many provided written comments. Although MSHA did not move forward with a proposed rule, we did receive useful information that will help improve existing safety and health programs or design new ones. The comments provided to MSHA have been posted on our website and can be found at <http://www.msha.gov/REGS/Comments/2010-22403/SafetyHealth.asp>. With the increase in metal and nonmetal sector fatalities, we agree that more attention needs to be given to these important programs.

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In the September 2010 Notice, *Safety and Health Management Programs for Mines*, MSHA noted that effective safety and health management programs include the following core components:

- (1) management commitment;
- (2) worker involvement;
- (3) hazard identification, including workplace inspections for violations of mandatory health and safety standards;
- (4) hazard prevention and control;
- (5) safety and health training; and
- (6) program evaluation.

Most of the comments received from industry stakeholders agreed that the six components above were necessary for successful safety and health management programs. Furthermore, some commenters made additional suggestions for stakeholders to consider when designing or redesigning safety and health programs, such as—

- encouraging the use of safety and health committees;
- reviewing near-miss accidents with miners;
- setting benchmarks for injury and illness reduction and regularly evaluating progress;
- fostering effective communication at all levels;
- providing education along with training;
- creating adaptive and responsive approaches to finding and fixing hazards;
- holding regularly scheduled safety meetings; and
- empowering miners.

Mine operators need to examine the types of injuries, illnesses, hazards, and compliance issues in the particular workplace to assure the safety and health program in place is designed to prevent them. Additionally, MSHA has provided considerable information on the causes of mining fatalities, injuries, and accidents and ways to prevent them that can be found on the MSHA website. Safety and health programs need to be reviewed by operators to determine if those are adequately addressed in them.

During my time as Assistant Secretary, I have traveled extensively, meeting with stakeholders and visiting mine sites throughout the country. During these events, I often hear the same information regarding safety and health management programs that work, in particular, the importance of actively engaging miners and other employees in the development of these programs.

Ensuring that miners are not discouraged from reporting workplace hazards, injuries, or illnesses is critically important to maintaining and improving mine safety and health. The existence of hazards, injuries, and illnesses need to be known if they are to be prevented.

In addition to the information MSHA gathered through public meetings and comments, the Department of Labor Inspector General (IG) conducted an audit examining Part 50 accident and injury and illness reporting and found that some operators have instituted policies and programs that have the effect of discouraging injury and illness reporting. Specifically, the IG recommended that MSHA “develop and implement policy guidance on operator programs

relating to the reporting of work-related injuries or illnesses, addressing retaliation against miners for reporting, and encouraging miner reporting of work-related injuries or illnesses." That report entitled: *MSHA Has Taken Steps To Detect And Deter Underreporting Of Accidents And Occupational Injuries and Illnesses, But More Action Is Still Needed* is available at <http://www.oig.dol.gov/public/reports/oa/2014/05-14-001-06-001.pdf>.

When developing and designing safety and health management programs, mine operators should avoid including policies or programs that could deter miners from reporting safety and health violations or concerns, accidents, injuries, or illnesses. Examples of such policies or programs include disciplinary programs that tend to deter miners from reporting such matters or bonus programs that tend to dissuade miners from reporting such matters. Depending on the totality of circumstances, such policies or programs may interfere with the rights of miners under the Mine Act.

As we all work together to reduce fatalities and lower injury and illness rates in the mining industry, MSHA strongly encourages mine operators to strengthen existing safety and health management programs or adopt new programs that include the core components listed above. These actions can have a meaningful impact on reducing mining deaths, injuries, and illnesses and thus improve the safety and health of our nation's miners.

Sincerely,

A handwritten signature in black ink that reads "Joseph A. Main". The signature is fluid and cursive, with a large initial "J" and a stylized "A".

Joseph A. Main
Assistant Secretary of Labor for
Mine Safety and Health